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Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

May 21, 2008

**Via Electronic Filing**

Ms Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20023-0001

RE: **STB Docket AB-33 (Sub-No. 251X), Union Pacific Railroad Company -  
Abandonment Exemption - In Dane County, WI; ~~STB Docket No. AB-338~~  
~~(Sub-No. 44)~~ Wisconsin & Southern Railroad Company - Discontinuance of  
Service Exemption - In Dane County, WI; Petition for Notice of Interim Trail  
Use**

Dear Ms. Quinlan,

The Union Pacific Railroad Company, (Union Pacific), has received another request from the Wisconsin Department of Transportation, (WisDOT), on behalf of Wisconsin Department of Natural Resources, (DNR), for an extension of its Notice of Interim Trail Use pursuant to 16 U.S.C. §1247(d) and 49 C.F.R. §1152.29 regarding that portion of the Union Pacific's right-of-way known as the Central Soya Line from M.P. 85.5 in the City of Madison to M.P. 89.9 in the City of Fitchburg, a distance of 4.4 miles in Dane County, Wisconsin. The current negotiation period expired May 16, 2008. The Union Pacific is willing to continue negotiating with WisDOT/DNR concerning the acquisition of the subject property for trail use and supports the WisDOT/DNR request for an additional 180-day extension in which to negotiate. A copy of the WisDOT/DNR's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

Enclosures

cc: Kathleen Chung, Esq.  
Tim Cambridge

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WISCONSIN DOT

## BEFORE THE SURFACE TRANSPORTATION BOARD

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**AB-33 (Sub-No. 251X)**  
**UNION PACIFIC RAILROAD COMPANY - ABANDONMENT EXEMPTION - IN**  
**DANE COUNTY, WISCONSIN**

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**WISCONSIN DEPARTMENT OF NATURAL RESOURCES**  
**PETITION FOR EXTENSION FOR**  
**NOTICE OF INTERIM TRAIL USE**

**BACKGROUND**

On May 2, 2005, the Surface Transportation Board provided notice that the Union Pacific Railroad Company (UP) and the Wisconsin & Southern Railroad Company (WSOR) have jointly filed a Notice of Exemption under 49 C.F.R. §1152 Subpart F for UP to abandon and WSOR to discontinue service over a 4.4-mile line, Harvard Subdivision, known as the Central Soya Line, Harvard Subdivision, between Mile Post 85.5 in the City of Madison and Mile Post 89.9 in the City of Fitchburg, in Dane County, WI.

On April 5, 2005, the Wisconsin Department of Natural Resources (WisDNR) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. §1152.29. This statement is for the segment of the Central Soya Line, Harvard Subdivision between Mile Post 85.5 Beltline in the City of Madison, Wisconsin and end of track at Mile Post 89.9 in the City of Fitchburg, Wisconsin, a distance of 4.4 miles in Dane County, Wisconsin.

On May 6, 2005, the Wisconsin Department of Transportation (WisDOT) on behalf of WisDNR filed a request for notice of interim trail use/rail banking (NITU)



under 16 U.S.C. §1247(d) and 49 C.F.R. §1152.59. UP indicated its willingness to negotiate with WisDNR for interim trail use. The Board issued an NITU under 49 C.F.R. §1152.59, which was served on May 31, 2005, allowing the City until November 28, 2005, to negotiate a rail banking agreement with UP.

On November 2, 2005, WisDOT on behalf of WisDNR filed a petition for extension of the NITU for 180 days, according to WisDOT files and STB website. By decision served November 21, 2005, the Board extended the negotiating period under NITU until May 27, 2006.

On May 24, 2006, WisDOT on behalf of WisDNR filed a petition for extension of the NITU for 180 days. By decision served June 6, 2006, the Board extended the negotiating period under NITU until November 23, 2006.

On October 25, 2006, WisDOT on behalf of WisDNR filed a petition for extension of the NITU for 180 days. By decision served November 14, 2006, the Board extended the negotiating period under NITU until May 22, 2007.

On May 24, 2007, WisDOT on behalf of WisDNR filed a petition for extension of the NITU for 180 days. By decision served June 7, 2007, the Board extended the negotiating period under NITU until August 20, 2007.

On August 8, 2007, WisDOT on behalf of WisDNR filed a petition for extension of the NITU for 180 days. By decision served August 21, 2007, the Board extended the negotiating period under NITU until February 16, 2008. By decision served February 28, 2008, the Board extended the negotiating period under NITU until May 16, 2008.

Negotiations are currently continuing in good faith between UP, WSOR and WisDNR. An agreement in principle has been reached, but more time is needed to finalize the negotiations.

#### **MOTION**

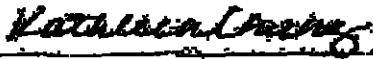
Therefore, WisDOT respectfully requests that the Board extend the period prescribed to negotiate an interim trail use/rail banking agreement for an additional 180 days for the land corridor and related real property, including bridge structures, on a line of railroad known as the Central Soya Line, Harvard Subdivision, between Mile Post 85.5 in the City of Madison and Mile Post 89.9 in the City of Fitchburg, in Dane County, Wisconsin, for interim trail use and rail banking, pursuant to 16 U.S.C. §1247(d) and 49 C.F.R. §1152.59 to WisDNR.

Respectfully Submitted,

Kathleen Chung, State Bar no. 1032802  
Wisconsin Department of Transportation  
4802 Sheboygan Av., Room 115B  
P.O. Box 7910  
Madison, WI 53707-7910  
(608) 266-8752  
February 14, 2008

### CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Request for Extension of the negotiating period in regards to AB33 251X, by electronic mail, pursuant to 49 C.F.R. §1104.12, by electronic mail, this 21<sup>st</sup> day of May 2008, on all parties of record on the service list



Kathleen Chung, Attorney  
State Bar no. 1032802  
Wisconsin Department of Transportation  
Office of General Counsel